

## Merchant &amp; Gould

An Intellectual Property Law Firm

SEP 27 2007

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A Professional Corporation

Fax Transmission | 27 September 2007

TO: Mail Stop PCT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

FROM: Brian H. Batzli

OUR REF: 03164.0203USWO

TELEPHONE: 612.336.4755

Total pages, including cover letter: 8

PTO FAX NUMBER 1-571-273-8300

If you do NOT receive all of the pages, please telephone us at 612.332.5300, or fax us at 612.332.9081.

Title of Document Transmitted: Notification of Defective Response, Communication  
Regarding Notice of Defective Response,  
Declaration of Intent, Consent to Change  
Inventorship, Statement Under 37 CFR  
3.73Applicant: LUCAS et al.  
Serial No.: 10/586,842  
Filed: 20 July 2006  
Group Art Unit: Unknown  
Our Ref. No. 03164.0203USWO  
Confirmation No. 2948

Please charge any additional fees or credit overpayment to Deposit Account No. 13-2725. Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers, if appropriate.

By: Name: Gregory A. SebaldReg. No.: 33,280

I hereby certify that this paper is being transmitted by facsimile to the U.S. Patent and Trademark Office on the date shown below.

Casey CaronSignature 

GEN033.DOT

Date 27 September 2007

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S/N 10/586,842

**SEP 27 2007****PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant:	LUCAS et al.	Examiner:	Unknown
Serial No.:	10/586,842	Group Art Unit:	Unknown
Filed:	20 July 2006	Docket No.:	03164.0203USWO
Title:	METHOD AND APPARATUS FOR TESTING FIBRES		

**CERTIFICATE UNDER 37 CFR 1.6(d):**

I hereby certify that this paper is being transmitted by facsimile to the U.S. Patent and Trademark Office on 27 September 2007.

By: 

Name: Casey Caron

**COMMUNICATION REGARDING NOTIFICATION OF DEFECTIVE RESPONSE**

Mail Stop PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

The International application was filed neglecting to mention that Ms. Nicole Phair-Sorenson was a joint inventor. This error was occurred without deceptive intention and it is respectfully requested that Ms. Nicole Phair-Sorenson be added as a joint inventor in the above US National Stage application. Enclosed please find a signed Declaration of Intent and Consent to Change Inventorship indicating that the error in inventorship was unintentional. Also enclosed is a Statement Under 37 CFR 3.73(b).

If a telephone conference would be helpful in resolving any issues concerning this communication, please contact Applicants' primary attorney-of record, Brian H. Batzli (Reg. No. 32,960), at (612) 336-4755.

Respectfully submitted,

MERCHANT & GOULD P.C.  
P.O. Box 2903  
Minneapolis, Minnesota 55402-0903  
(612) 332-5300



Dated: 27 September 2007

GAS/cjc

By: 

Gregory A. Sebald  
Reg. No. 33,280

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S/N 10/586,842PATENTIN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	LUCAS ET AL.	Examiner:	UNKNOWN
Serial No.:	10/586,842	Group Art Unit:	UNKNOWN
Filed:	JULY 20, 2006	Docket No.:	03164.0203USWO
Confirmation No.:	2948		
Title:	METHOD AND APPARATUS FOR TESTING FIBRES		

CERTIFICATE UNDER 37 CFR 1.401

I hereby certify that this paper is being transmitted by facsimile to the U.S. Patent and Trademark Office on

27 September 2007

By: 

Name: Casey Carson

DECLARATION OF INTENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

Regarding the utility patent application Serial No. 10/586,842, METHOD AND APPARATUS FOR TESTING FIBRES, filed on July 20, 2006:

My name is Nicole Phair-Sorensen, and I reside at 54 Country Gardens Dve, Lara, Victoria 3212 Australia. I am an inventor of this utility patent application and I request that my name be added to the application to reflect my inventorship. I hereby claim according to 37 C.F.R. § 1.497(d)(1) that the error in inventorship occurred without deceptive intention on my part.

Respectfully submitted,

Date: 21/09/07  
Nicole Phair-Sorensen

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S/N 10/586,842PATENTIN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	LUCAS ET AL.	Examiner:	UNKNOWN
Serial No.:	10/586,842	Group Art Unit:	UNKNOWN
Filed:	JULY 20, 2006	Docket No.:	03164.0203USWO
Confirmation No.:	2948		
Title:	METHOD AND APPARATUS FOR TESTING FIBRES		

<small>CERTIFICATE UNDER 37 CFR 1.401</small> I hereby certify that this paper is being transmitted by facsimile to the U.S. Patent and Trademark Office on <u>23 September 2007</u> By: <u>Car</u> Name: <u>CAROL CATION</u>
---

CONSENT TO CHANGE OF INVENTORSHIP

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

Regarding the utility patent application Serial No. 10/586,842, METHOD AND APPARATUS FOR TESTING FIBRES, filed on July 20, 2006:

The original inventors named in the abovementioned utility patent application executed an assignment to Commonwealth Scientific and Industrial Research Organisation, a corporation organized and existing under and by virtue of the laws of Australia and having an office and place of business at Limestone Avenue, Campbell, Act 2612, Australia. As an Officer authorized to act on behalf of the Commonwealth Scientific and Industrial Research

Organisation, I hereby consent to adding the names of the following inventors of the  
abovementioned utility patent:

Nicole Phair-Sorensen

Respectfully submitted,

Date: 21 September 2007

T. Head  
By: T. HEAD

Title: MANAGER-COMMERCIAL OPERATIONS

PTO/SB/99 (04-07)

Approved for use through 09/30/2007. OMB 0831-0031  
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**STATEMENT UNDER 37 CFR 3.73(b)**Applicant/Patent Owner: LUCAS et al.Application No./Patent No.: 10/586,842 Filed/Issue Date: 20 July 2008Entitled: **METHOD AND APPARATUS FOR TESTING FIBRES**Commonwealth Scientific and  
Industrial Research Organization

a Corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest  
(The extent (by percentage) of its ownership interest is \_\_\_\_\_ %)

in the patent application/patent identified above by virtue of either:

- A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel 019428, Frame 0790, or for which a copy thereof is attached.

OR

- B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:

1. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
2. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
3. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.☐ As required by 37 CFR 3.73(b)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.

(NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO. See MPEP 302.08)

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Tim Head  
SignatureTIM HEAD  
Printed or Typed NameMANAGER - COMMERCIAL OPERATIONS  
Title27/9/07  
Date+61352464000  
Telephone Number

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/586,842	Stuart Lucas	03164.0203USWO ✓

INTERNATIONAL APPLICATION NO.
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PCT/AU05/00061

I.A. FILING DATE	PRIORITY DATE
01/20/2005	01/20/2004

23552  
MERCHANT & GOULD PC  
P.O. BOX 2903  
MINNEAPOLIS, MN 55402-0903

BHB

CONFIRMATION NO. 2948

371 FORMALITIES LETTER



\*OC000000025564284\*

Date Mailed: 08/27/2007

Defective Resp stat: 09/27/2007  
Bv  
af

## NOTIFICATION OF DEFECTIVE RESPONSE

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495)

- Priority Document
- Copy of the International Application filed on 07/20/2006
- Copy of the International Search Report filed on 07/20/2006
- Copy of IPE Report filed on 07/20/2006
- Preliminary Amendments filed on 07/20/2006
- Information Disclosure Statements filed on 07/20/2006
- Oath or Declaration filed on 04/24/2007
- Request for Immediate Examination filed on 07/20/2006
- U.S. Basic National Fees filed on 07/20/2006
- Priority Documents filed on 07/20/2006

Applicant's response filed 04/24/2007 is hereby acknowledged. The following requirements set forth in the NOTIFICATION of MISSING REQUIREMENTS mailed 04/02/2007 have not been completed.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
  - The oath received April 24, 2007 contained an additional inventor, Phair-Sorensen, Nicole, on published International application she is not listed. Please submit a corrected oath or an explanation for the added inventor.

Applicant is required to complete the response within a time limit of ONE MONTH from the date of this Notification or within the time remaining in the response set forth in the Notification of Missing Requirements, whichever is the longer. No extension of this time limit may be granted under 37 CFR 1.136, but the period for response set in the Notification of Missing Requirements may be extended under 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.6)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.  
<https://portal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at 1-866-217-9197 or visit our website at <http://www.uspto.gov/ebsc>.

**If you are not using EFS-Web to submit your reply, you must include a copy of this notice.**

VIRGINIA L IRBY

Telephone: (703) 308-9140 EXT 229

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/586,842	PCT/AU05/00061	03164.0203USWO

FORM PCT/DO/EO/916 (371 Formalities Notice)